

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WATKINS, KEVIN T. DR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action File No.:
)	
CTCA PHYSICIANS GROUP OF)	
GEORGIA, LLC d/b/a f/k/a CTCA)	
PHYSICIANS GROUP OF)	
GEORGIA, INC., f/k/a CANCER)	
TREATMENT CENTERS OF)	
AMERICA PROFESSIONAL)	
CORPORATION OF GEORGIA,)	
P.C.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant CTCA Physicians Group of Georgia, LLC d/b/a f/k/a CTCA Physicians Group of Georgia, Inc., f/k/a Cancer Treatment Centers of America Professional Corporation of Georgia, P.C. (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and as otherwise provided by law, hereby gives notice of removal of this action from the Superior Court of Coweta County, State of Georgia to the United States District Court for the Northern District of Georgia. The following statements and allegations concern the Court’s removal jurisdiction only:

1. This action was commenced on November 22, 2022 by the filing of an original Complaint in the Superior Court of Coweta County, State of Georgia, Case No. SUV2022001394. Copies of all documents currently available to Defendant which have been filed in the Superior Court Action and the docket are attached as **Composite Exhibit A**.

2. This Complaint did not contain any federal claims and was for breach of contract only.

3. On June 2, 2023, the Plaintiff filed an Amended Complaint containing a federal claim of race discrimination under 42 U.S.C. § 1981. The Amended Complaint also contained new state law claims for libel and slander. A true and correct copy of the Amended Complaint filed with the Court in Coweta County, Georgia is attached hereto as **Exhibit B**.

4. Title 28 U.S.C. § 1441(a) authorizes the removal of civil actions from a state court to federal district court provided that the federal district court to which the action is removed has original subject matter jurisdiction over the action.

5. Title 28 U.S.C. § 1331 gives federal courts original jurisdiction over all civil actions arising under federal law and presenting a federal question. Here, Plaintiff's Complaint asserts a claim for race discrimination under 42 U.S.C. § 1981.

Accordingly, this Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

6. There is supplemental jurisdiction over the state law claims (breach of contract, libel, and slander) under 28 U.S.C. § 1367 because they are so related to the federal race discrimination claim as to form part of the same case or controversy.

7. This Notice of Removal is timely because it is filed within thirty (30) days of purported service of the Plaintiff's Amended Complaint which made this case removeable by adding a federal claim, as required under 28 U.S.C. § 1446(b)(3).

8. CTCA's removal of this action is without prejudice to any of its potential defenses.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff and is being filed with the Superior Court of Coweta County, State of Georgia.

10. In accordance with 28 U.S.C. § 1441(a), the removal of the underlying lawsuit to the United States District Court for the Northern District of Georgia is proper because this district embraces the place in which the removed action has been pending, *i.e.*, the Superior Court of Coweta County, Georgia.

11. If any question arises as to the propriety of the removal of this action, CTCA respectfully requests the opportunity to present a brief in support of its position that this case is removable.

12. Because this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 and 28 U.S.C. § 1367, removal is appropriate under 28 U.S.C. § 1441(a).

WHEREFORE, CTCA Physicians Group of Georgia, LLC d/b/a f/k/a CTCA Physicians group of Georgia, Inc., f/k/a Cancer Treatment Centers of America Professional Corporation of Georgia, P.C., by counsel, hereby requests that the underlying case be removed from the Superior Court of Coweta County, Georgia and proceed in the United States District Court for the Northern District of Georgia, as an action properly removed thereto.

Respectfully submitted this 30th day of June, 2023.

HOLLAND & KNIGHT LLP

/s/ Peter N. Hall

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing CTCA's **Notice of Removal** with the Clerk of the Court using the ECF system which will send notification of such filing to the parties/counsel of record. I also certify that I have served the following:

Holly H. Maestas, Esq.
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via e-mail and by placing said document in a properly-addressed envelope, with first-class postage, and having same deposited in a receptacle for United States Mail.

This 30th day of June, 2023.

HOLLAND & KNIGHT LLP

/s/ Peter N. Hall

Peter N. Hall

Georgia Bar No. 141376